



# TOWN OF TYNGSBOROUGH

Office of the Selectmen

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Tyngsborough, MA 01879

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## Selectmen's Meeting Minutes

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Monday March 10, 2008

6:00 P.M.

Town Offices

Members present: Selectman Jay Booth, Selectwoman Jacqueline Schnackertz, Selectwoman Karyn Puleo, Selectman Kevin O'Connor, Selectman Rich Lemoine  
Staff Present: Town Administrator Rosemary Cashman and  
Admin Assistant Therese Gay

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The Chair called the meeting to order. The Board, and the staff were introduced; the Clerk read this evening's agenda.

The Finance Committee Members present: John Griffin, Colleen Gabriel, Robert Mullin, Kenneth Times, and Fred Perrault.

1. Citizen's Time

No one came forward.

2. Special Town Meeting Warrant – Recommendations

Selectwoman Puleo read the following articles. Selectman O'Connor abstains from voting on articles 1 through 5 due to a conflict of interest.

**Article 1.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to the Highway Union salary, wages, and expense accounts to fund the collective bargaining agreement with SEIU, Local 888, or take any other action relative thereto.

The Board of Selectmen voted 4-0 on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to recommend the approval of this article and that \$12,250 be appropriated by transfer from Other Salaries Account #122-5103, and that \$1,025 be appropriated from Sewer Enterprise Fund Retained Earnings, for the Highway Union salary, wages, and expense accounts, to fund fiscal year 2008 of a three year agreement between the Town and SEIU, Local 888.

The Finance Committee voted unanimously on a motion by Member Gabriel, second by Member Mullin to recommend approval of this article.

**Article 2.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to the Clerical Union salary, wages, and expense accounts to fund the collective bargaining agreement with SEIU, Local 888, or take any other action relative thereto.

The Board of Selectmen voted 4-0 on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to recommend approval of this article and that \$11,515 be appropriated by transfer from Other Salaries Account #122-5103 for the Clerical Union salary, wages, and expense accounts to fund fiscal year 2008 of a three year agreement between the Town and SEIU, Local 888.

The Finance Committee voted unanimously on a motion by Member Gabriel, second by Member Mullin to recommend approval of this article.

**Article 3.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to the Mid-Management Union salary, wages, and expense accounts to fund the collective bargaining agreement with SEIU, Local 888, or take any other action relative thereto.

The Board of Selectmen voted 4-0 on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to recommend approval of this article and that \$10,750 be appropriated by transfer from Other Salaries Account #122-5103, and that \$2,670 be appropriated from Sewer Enterprise Fund Retained Earnings, for the Mid-Management Union salary, wages, and expense accounts, to fund fiscal year 2008 of a three year agreement between the Town and SEIU, Local 888.

The Finance Committee voted unanimously on a motion by Member Gabriel, second by Member Mullin to recommend approval of this article.

**Article 4.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to the Police and Dispatchers Union salary, wages, and expense accounts to fund the collective bargaining agreement with NEPBA, Local 8, or take any other action relative thereto.

The Board of Selectmen voted 4-0 on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to recommend approval of this article and that \$52,800 be appropriated by transfer from Other Salaries Account #122-5103 for the Police and Dispatchers Union salary, wages, and expense accounts to fund fiscal year 2008 of a three year agreement between the Town and NEPBA, Local 8.

The Finance Committee voted unanimously on a motion by Member Gabriel, second by Member Mullin to recommend approval of this article.

**Article 5.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds a sum of money to supplement various municipal government accounts for fiscal year 2008, or take any other action relative thereto.

The Board of Selectmen voted 4-0 on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to recommend that the Town transfer the following sums of money to supplement the following accounts in FY08:

- \$2,561 from Other Salaries Acct. 122-5103 to supplement:
- \$1,327 in the Town Collector Salary Acct. #146-5100 so that the salary of the elected Town Collector is fixed at \$54,389
- \$1,234 in the Town Clerk Salary Acct. #160-5100 so that the salary of the elected Town Clerk is fixed at \$50,577

The Finance Committee voted unanimously on a motion by Member Gabriel, second by Member Mullin to recommend approval of this article.

The Veterans' Agent presented to the Selectmen and Finance Committee Members that there was a shortfall of \$25,000 in his benefits account, this is due in part to new clients and the ever increasing costs to utilities. This particular account does receive a 75 % reimbursement from the State. The Selectmen and Finance Committee Members agreed that this request be funded by a Reserve Fund Transfer. The Finance Committee voted unanimously on a motion by Member Mullin, second by Member Perrault to fund \$25,000 from the Reserve Fund Account.

**Article 6.** To see if the Town will vote to amend Article 27 of the Special Town Meeting of October 10, 2006 regarding the parcel at 76 Frost Road, currently known as the Tyngsborough Campgrounds, by expanding its purpose for not only cleaning up of the parcel but also for planning, design, and construction, in accordance with the requirements of the Community Preservation Committee, Board of Selectmen, Conservation Commission, and Board of Health, or take any other action relative thereto. Submitted by: Community Preservation Committee

The Board of Selectmen voted 5-0 on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to recommend approval of this article.

The Finance Committee voted 4-0 with 1 abstension on a motion by Member Gabriel, second by Member Mullin to recommend approval of this.

**Article 7.** To see if the Town will vote to appropriate from existing Community Preservation Budgeted Reserve, Unreserved Fund Balance, and/or borrow a sum of money, for the purpose of purchasing a parcel of land of approximately 1.5 acres and buildings at 86 Frost Road, (Assessors Map 25-8, Lot 0), from the owner, Martin E.

Kelly of 104 Frost Road, including the payment of any and all costs incidental and related thereto, or take any other action relative thereto.

Submitted by: Community Preservation Committee

The Board of Selectmen voted 5-0 on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to reopen the Special Town Meeting to renumber article 7 to article 8 and to place the new article 7 on the warrant and to post the new warrant. The Board of Selectmen voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to make a recommendation on town meeting floor.

The Finance Committee voted unanimously on a motion by Member Gabriel, second by Member Mullin to make a recommendation on town meeting floor.

**Article 8.** To see if the Town will vote to appropriate by transfer from available funds and/or borrow a sum of monies for the purpose of paying additional costs of installing a holding tank, oil/water separator, drain(s), and vehicle wash system for the handling of oil, grease, and water at the Highway Garage, all costs of any necessary engineering, plans, storm water pollution prevention plans and permit applications, and for the payment of any and all other costs incidental and related thereto, which amount shall be expended in addition to the \$200,000 previously appropriated by the Town for this purpose, all of which shall be expended at the direction of the Board of Selectmen, or take any other action relative thereto.

The Board of Selectmen voted 5-0 on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to recommend approval that the sum of \$30,000 is hereby appropriated for the purpose of paying additional costs of installing a holding tank, oil/water separator, drain(s), and vehicle wash system for the handling of oil, grease, and water at the Highway Garage, all costs of any necessary engineering, plans, storm water pollution prevention plans and permit applications, and for the payment of any and all other costs incidental and related thereto, which amount shall be expended in addition to the \$200,000 previously appropriated by the Town for this purpose, all of which shall be expended at the direction of the Board of Selectmen, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

The Finance Committee voted unanimously on a motion by Member Gabriel, second by Member Mullin to recommend approval of this article.

### 3. Other Business (if necessary)

#### A. Snow Expenditure Letter

The Board received a letter from the Administrator of the Highway Department requesting an additional \$75,000 for snow removal related expenditures.

The Board of Selectmen voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to approve the expenditure not to exceed \$75,000 to pay for snow removal related expenses.

The Finance Committee voted unanimously on a motion by Member Gabriel, second by Member Mullin to approve the request as submitted.

#### B. Appointment – Recreation Committee

The Board of Selectmen received a letter of interest to serve as an associate member on the Recreation Committee from Heather McGaffigan and a letter from Allison McNamara, Director of the Recreation Committee, stating the Committee's position on supporting the request.

The Board of Selectmen voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to appoint Heather McGaffigan as a member on the Recreation Committee.

#### C. Appointment – Trust Fund Committee

The Board of Selectmen voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to appoint Police Chief William Mulligan to the Trust Fund Committee to fill a position left vacant by the retirement of former Police Chief John Miceli.

4. Approve Minutes of January 28, 2008 and February 11, 2008; and to approve but not release the Executive Session Minutes of January 28, 2008 and February 11, 2008. The Board of Selectmen voted 4-1 to approve the meeting minutes of Monday January 28, 2008 on a motion by Selectwoman Puleo, second by Selectman Booth. Selectwoman Schnackertz abstained from voting; she was not present at this meeting because she represented the Board on the superintendent screening committee; the committee met on the same evening.

The Board of Selectmen voted unanimously on a motion by Selectwoman Puleo, second by Selectman Booth to approve the meeting minutes of Monday February 11, 2008.

The Board of Selectmen voted 3-2 to approve and not release the executive session minutes of Monday January 28, 2008, on a motion by Selectwoman Puleo, second by Selectman Booth. Selectwoman Schnackertz abstained from voting; she was not present at this meeting. Selectman O'Connor abstained; he recused himself from the meeting because of a conflict of interest.

The Board of Selectmen voted 4-1 to approve and not release the executive session minutes of Monday February 11, 2008 on a motion by Selectwoman Puleo, second by Selectman Booth. Selectman O'Connor abstained he recused; himself because of a conflict of interest.

#### 5. Correspondence

The Board of Selectmen voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman Schnackertz to accept the correspondence as read.

#### 6. Selectmen's Notes

Selectwoman Schnackertz met with the school superintendent screening committee and the walk through with the two candidates went very well. Thank you to the Vocational students for painting the police station. The Board sends their condolences to the family of Jerry Goldhammer who passed away last week. Selectman O'Connor spoke on the budget; the Board met once already and talked with the school. Now the Board needs to see where it will make cuts in order to balance the town side of the budget and hope that the school will begin their cuts. Selectman O'Connor announced that the Police are holding their St Patrick dinner on Tuesday and all are invited.

#### 7. Town Administrator's Notes

The Storm Water Management Plan is completed. The plan shows the location of more than 3,900 catch basins, manholes, culverts and storm water outfalls. The Town has approved a Storm Water Plan and By-law to protect water quality. One of the by-products of the storm water management plan is that NMCOG, the planning agency for the region, has developed a GIS system which will be beneficial to the town. The Town has settled litigation with 2 of the contractors on the Elementary School Building Project. The Town received \$450,000 in settlement payments. The Town and School officials have met with the engineers to help prioritize the items that need to be repaired.

8. Executive Session (If Necessary)

The Board voted 5-0 on a motion by Selectwoman Puleo, second by Selectman Booth to enter into an Executive Session to discuss personnel and litigation. Roll Call Vote: Selectman Jay Booth, yes; Selectwoman Schnackertz, yes; Selectwoman Karyn Puleo, yes; Selectman Kevin O'Connor, yes; and Selectman Rich Lemoine yes. The Board entered Executive Session at 6:30 P.M.

9. Adjournment

The Board voted 4-0 on a motion by Selectman Booth, second by Selectwoman Puleo to exit Executive Session and to return to open session. Roll Call Vote: Selectman Jay Booth, yes; Selectwoman Schnackertz, yes; Selectwoman Karyn Puleo, yes; and Selectman Rich Lemoine yes. The Board exited Executive Session at 8:30 P.M.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Booth to adjourn the meeting.

The Selectmen's meeting adjourned at 8:30 P.M.

Respectfully submitted,

Therese Gay  
Admin Assistant

Approved on \_\_\_\_\_